

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and the following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

By the present amendment, claims 1-10 are amended herewith. Claims 1-10 remain pending with claim 1 being independent. It is respectfully submitted that no new matter is added by this amendment

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, the Examiner indicates that it is not clear whether 35 U.S.C. § 112, 6th paragraph is being invoked; claims 6 and 7 are rejected under 35 U.S.C. § 112, second paragraph; claims 1, 2 and 5-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,425,204 to Renner in view of U.S. Patent No. 4,442,632 to Greco et al.; claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner and Greco et al. and further in view of U.S. Patent No. 3,844,064 to Yamaha et al.; claim 4 is rejected under 35 U.S.C. § 103(a) Renner in view of Greco et al. and further in view of U.S. Patent No. 5,038,519 to Huebner; and claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner and Greco et al. and further in view of U.S. Patent No. 2,818,251 to Lenz et al.

IV. THE REJECTIONS OF THE CLAIMS

A. Summary of Arguments

Applicant respectfully traverses the rejections over prior art. More specifically, Renner and Greco et al., either alone or in combination, fail to disclose, teach, suggest or render obvious

an adjustable rail with a washer having a surface complementary to the shape of a protrusion, as recited in the claimed invention.

A. 35 U.S.C. § 112, 6th paragraph

On page 2 of the Office Action, the Examiner indicates that it is not clear if Applicant is invoking 35 U.S.C. § 112, 6th paragraph. In response, Applicant has amended the claims to remove any reference to “means.” As the Examiner noted in the Office Action (page 2), claim 1 recites explicit structure. Therefore, because the claims no longer recite the term “means” and also include sufficient structure, Applicant submits that 35 U.S.C. § 112, 6th paragraph, is not invoked in the claimed invention.

B. Claim Rejection Under 35 U.S.C. § 112, 2nd paragraph

Claims 6 and 7 are rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. In response, claims 6 and 7 are amended to change “protrusion” to “washer” as noted by the Examiner. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. § 112, 2nd paragraph.

C. Claims Rejections Under 35 U.S.C. § 103

Claims 1, 2 and 5-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,425,204 to Renner in view of U.S. Patent No. 4,442,632 to Greco et al. A prima facie case of obviousness has not been establish because all of the limitations of independent claim 1 are not found in the purported combination of Renner and Greco et al., particularly a washer that has a surface complementary to the shape of the protrusion.

Renner discloses a motor vehicle door guide rail 10 that includes a mating part 300, shaped as a positive impression of a seat 30. The seat 30 is formed on the base part 20 of the

door and has a through-hole 40 that accepts a screw 55. A signing block 59 threads onto the screw 55. Even assuming that the mating part 300 could be considered the protrusion of the claimed invention, as suggested in the Office Action, the arrangement of Renner does teach a washer of any kind, much less a washer having a surface complementary to the surface of a protrusion.

Greco et al. fails to cure the deficiencies of Renner. Greco et al. merely teaches a conventional screw 44 with a washer 47 and nut 46(Fig. 3). Greco et al. fails to teach a washer that has a surface complementary to the shape of a protrusion, as recited in claim 1. Even if the washer of Greco et al. was added to the screw 55 Renner, the washer 47 of Greco et al. is flat and thus not complementary to the curved shape of the mating part 300 of Renner, as recited in the claimed invention.

Therefore, a prima facie case of obviousness has not been established because none of Renner, Greco et al., or the combination thereof teaches a washer with a surface complementary to the shape of a protrusion. Applicant therefore requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of independent claim 1.

Dependent claims 2 and 5-9 are also allowable for the same reasons discussed above. Moreover, these claims recite additional features not found in the prior art. For example, claim 5 recites that the protrusion is rounded in shape to act as a ball joint. Also, claim 6 recites that the washer has a convex shape and claim 7 recites that the washer has a concave shape. The washer 47 of Greco et al., in contrast, is flat.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner and Greco et al. and further in view of U.S. Patent No. 3,844,064 to Yamaha et al. Dependent claim

3 is allowable for the same reasons discussed above regarding independent claim 1. Moreover, Yamaha et al. fails to cure the deficiencies of Renner and Greco et al. Yamaha et al. is merely cited for teaching a protrusion separate from an adjustment screw.

Therefore, a prima facie case of obviousness has not been established. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 3.

Claim 4 is rejected under 35 U.S.C. § 103(a) Renner in view of Greco et al. and further in view of U.S. Patent No. 5,038,519 to Huebner;

Dependent claim 4 is allowable for the same reasons discussed above regarding independent claim 1. Moreover, Huebner fails to cure the deficiencies of Renner and Greco et al. Huebner is merely cited for teaching a spring washer.

Therefore, a prima facie case of obviousness has not been established. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 4.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner and Greco et al. and further in view of U.S. Patent No. 2,818,251 to Lenz et al.

Dependent claim 10 is allowable for the same reasons discussed above regarding independent claim 1. Moreover, Lenz et al. fails to cure the deficiencies of Renner and Greco et al. Lenz et al. is merely cited for teaching a spring nut/lock washer.

Therefore, a prima facie case of obviousness has not been established. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 10.

V. CONCLUSION

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00020). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 C.F.R. §1.36 (a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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